

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

Civil Action No. 2:16-CV-00953-DGC

This Document Relates to: Cindy McKinzie,  
Jeff Edwards, John Edwards, and Sara  
Townley

**PLAINTIFF'S AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL CLAIMS  
AND JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (doc. 364).  
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Florence Edwards

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

Cindy McKinzie, Jeff M Edwards, John Edwards, Sara Townley

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

Cindy McKinzie, administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of the injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

1           Texas

2           7. District Court and Division in which venue would be proper absent direct  
3           filing:

4           Western District of Texas – Austin Division

5           8. Defendants (check Defendants against whom Complaint is made):

6           X C.R. Bard Inc.

7           X Bard Peripheral Vascular, Inc.

8           9. Basis of Jurisdiction:

9           X Diversity of Citizenship

10          ☐ Other: \_\_\_\_\_

11          a. Other allegations of jurisdiction and venue not expressed in Master  
12          Complaint:

13          \_\_\_\_\_  
14          \_\_\_\_\_  
15          \_\_\_\_\_

16          10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
17          claim (Check applicable Inferior Vena Cava Filter(s)):

18          X Recovery® Vena Cava Filter

19          ☐ G2® Vena Cava Filter

20          ☐ G2® Express (G2® X) Vena Cava Filter

21          ☐ Eclipse® Vena Cava Filter

22          ☐ Meridian® Vena Cava Filter

23          ☐ Denali® Vena Cava Filter

24          ☐ Other: \_\_\_\_\_

25          11. Date of Implantation as to each product:

26          On or about April 12, 2005

27          \_\_\_\_\_

28          12. Counts in the Master Complaint brought by Plaintiff(s):

- 1 X Count I: Strict Products Liability – Manufacturing Defect
- 2 X Count II: Strict Products Liability – Information Defect (Failure to
- 3 Warn)
- 4 X Count III: Strict Products Liability – Design Defect
- 5 X Count IV: Negligence – Design
- 6 X Count V: Negligence – Manufacture
- 7 X Count VI: Negligence – Failure to Recall/Retrofit
- 8 X Count VII: Negligence – Failure to Warn
- 9 X Count VIII: Negligent Misrepresentation
- 10 X Count IX: Negligence *Per Se*
- 11 X Count X: Breach of Express Warranty
- 12 X Count XI: Breach of Implied Warranty
- 13 X Count XII: Fraudulent Misrepresentation
- 14 X Count XIII: Fraudulent Concealment
- 15 X Count XIV: Violation of Applicable Texas
- 16 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 17 Practices
- 18 X Count XV: Loss of Consortium
- 19 X Count XVI: Wrongful Death
- 20 X Count XVII: Survival
- 21 X Punitive Damages
- 22 ☐ Other(s): All claims for relief set forth in the Master Complaint for
- 23 an amount to be determined by the trier of fact.
- 24 \_\_\_\_\_
- 25 \_\_\_\_\_
- 26 \_\_\_\_\_
- 27 \_\_\_\_\_
- 28 \_\_\_\_\_

1  
2 13. Jury Trial demanded for all issues so triable?

3 X Yes

4 ☐ No

5  
6 RESPECTFULLY SUBMITTED January 5, 2017.

7  
8 By: /s/ Richard S. Lewis

9 Richard S. Lewis

10 Steve Rotman

11 Braden Beard

12 HAUSFELD LLP

13 1700 K Street NW, Suite 650

14 Washington, DC 20006

15 Telephone: (202) 540-7200

16 Facsimile: (202) 540-7201

17 Email: [rslewis@hausfeld.com](mailto:rslewis@hausfeld.com)

18 [srotman@hausfeld.com](mailto:srotman@hausfeld.com)

19 [bbeard@hausfeld.com](mailto:bbeard@hausfeld.com)

20  
21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on January 5, 2017, I electronically transmitted the  
23 attached document to the Clerk's Office using the CM/ECF System for filing and  
24 transmittal of a Notice of Electronic Filing.

25  
26 /s/ Richard S. Lewis

27 Richard S. Lewis